THE HONOURABLE SRI JUSTICE J. CHELAMESWAR
AND
THE HON'BLE SRI JUSTICE D. APPA RAO

W.P. No. 21499 of 2006

Dated: ___.11.2006

B. Vijaya Kumar

..Petitioner

Vs

The Station House Officer, Dabirpura Police Station,
Hyderabad and others.

..Respondents.

THE HONOURABLE SRI JUSTICE J. CHELAMESWAR
AND
THE HON'BLE SRI JUSTICE D. APPA RAO

W.P. No.21499 of 2006

O R D E R (per the Hon'ble Sri Justice D. Appa Rao)

The petitioner sought production of his wife, detenue Smt. Krishna Saritha by way of Writ of Habeas Corpus.

2) The petitioner averred that his marriage with detenue Krishna Saritha was performed on 1.7.2006 at Dwaraka Tirumala of West Godavari District. It was a love marriage not to the liking of her parents viz., Respondents - 6 and 7. As such they were harassing and intimidating them. On that a complaint was given by Smt. Krishna Saritha, basing on which a case was registered in Crime No.123/2006 for the offence punishable under Section 506 I.P.C. In fact, she filed Writ Petition in W.P.No.14675 of 2006, seeking a direction to the police to ensure safety of their lives from her parents. While so on 6.10.2006 at 10.00 A.M. when Smt. Krishna Saritha was going in front of their house, R6 and R7 along with some others took her away. He gave a complaint to R1 who in turn registered a case in Crime No.156/2006 of Dabirpura Police Station for the offences punishable under Sections 365 and 368 IPC and Section 3(x)(i)

of Scheduled Castes and Schedule Tribes (Prevention of Attrocities) Act. Now he apprehends danger to the life of his wife and therefore he filed this Writ of Habeas Corpus for production of his wife.

3) First respondent, the Inspector of Police and the respondents 6 and 7 the parents of detenue filed separate counters. The 1st respondent filed counter *inter alia* stating that Smt. Krishna Saritha is in the custody of her parents. Importantly, R6 & R7 admitted that their daughter is with them. They stated that the petitioner had forcibly taken her away to Dwaraka Tirumala and married her. They denied that they had taken away their daughter by force as alleged in the petition. According to them, she came on her own accord. Later she filed O.P.No.760 of 2006 before the learned Family Judge, City Civil Court, Hyderabad under Section 12(1)(a) of Hindu Marriage Act and the same is pending.

4) In view of the admission of R6 and R7 that the detenue Smt. Krishna Saritha is with them, this Court directed R6 & R7 to produce the detenue Smt. Krishna Saritha before this Court on 2.11.2006. Pursuant to the orders, her parents produced the detenue on 2.11.2006.

5) The detenue was examined in the Chambers of one of us. The detenue admitted her marriage with the petitioner, however she preferred to stay with her parents.

6) Since the scope of Habeas Corpus is limited, we do not

propose to go into the rival contentions of the parties, moreso, when the matter is pending before Family Court. It is up to the petitioner to take appropriate proceedings in an appropriate forum as advised.

6) With the above said observation, the Writ Petition is closed. No costs.

JUSTICE J. CHELAMESWAR

JUSTICE D. APPA RAO,

____November 2006.

BCS